(3)

Hindi

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR.

W.P.NO. 2090 OF 2003.

PETITIONER : Jaisingh Tekam, S/o Shri Dhansai Tekam, Aged about 59 years, Range Officer, Forest Range, Tapkara, District Jashpur, (C.G.).

V E R S U S

RESPONDENTS : 1. State of Chhattisgarh, Through : The Secretary, Forest Department, D.K.S. Bhavan Raipur, (C.G.).

2. The Divisional Forest Officer, Jashpur Division, Jashpur, District Jashpur, (C.G.).

P. R. No. 1955/03
Presented by Shri K.N. Nishad
dated 15/9/03

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUE OF AN APPROPRIATE WRIT IN THE NATURE OF MANDAMUS/CERTIORARI ETC. OR DIRECTION/ORDER IN THE LIKE NATURE ETC.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

W.P. No. 2090/03

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	4.8.2003 Petitioner by Shri R. M. Pandey, Advocate. Respondent/State by Dr. N. K. Shukla, Additional Advocate General. In compliance of the order dt. 25.7.2003 Shri R.C. Raigar, Chief Conservator of Forest is present in person. By this petition under Article 226/227 of the Constitution of India the petitioner has raised the grievance that he has not been paid salary along with dearness allowance from the month of March to the month of June, 2003. The petitioner has received the salary up to the month of February 2003. The respondent No.2 has stopped the payment of salary to the petitioner from the month of March, 2003 without any rhyme and reason and therefore the petitioner is facing financial hardship. The petitioner made representations on 5.7.2003 and 9.6.2003 and he is going to retire on 31st July, 2003 therefore the respondents may be directed to pay the salary from the month of March, 2003 with 18% interest. Return has been filed on behalf of the respondents in which it has been mentioned that the Superintendent, Badalkhol Sanctuary, Bagicha submitted a report on 4.5.2003 to the effect that the	

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

petitioner is absconding from his duty, therefore an explanation was called from the petitioner for explaining the reason of such unauthorized absence, within a period of seven days vide letter dt. 23.6.2003. Thereafter, a detailed enquiry was conducted by the Answering Respondent No.2 and the Panchnama was also got prepared on 24.6.2003. Thereafter again an explanation letter was issued to the petitioner on 9.7.2003 to which also no reply/explanation has been submitted by the petitioner. It is admitted that the petitioner has not been paid salary from the month of March,2003 to June,2003 but the petitioner has suppressed the material fact that he was not attending his duty and absconding without prior permission to remain absent during the aforesaid time. Therefore the petition be dismissed.

I have heard learned counsel for the parties.

Learned Additional Advocate General drew attention of the Court towards Annexure R/2 dated 23.6.2003 by which explanation of the petitioner has been sought that he was not found on duty, and Annexure R/3 also shows that on 24.6.2003 when the Divisional Forest Officer was on visit to Narayanpur the petitioner was not found on duty and it was further revealed that the petitioner was absent

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक.....सन् 200

.....विरुद्ध.....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	during the month of March, April and May, 2003. He remained on duty only between 24th May, 2003 to 6th June 2003 and in respect of the remaining period he was not on duty. Shri Shukla submits that in spite of the explanation sought by the Respondent No.2, the petitioner has not submitted any reply so far. In view of the above facts the salary for the aforesaid period has not been paid to the petitioner. Learned counsel for the petitioner submits that the petitioner is ready to submit his explanation to the Respondent No.2. In view of the above facts and circumstances the respondent No.2 is directed that after filing of the explanation by the petitioner, he will take the appropriate decision in the matter as early as possible and pass the final order under the conduct and disciplinary rules and with regard to his salary for the period of March to July, 2003, as he has not been paid his salary for this period. In view of the above observations this petition stands disposed of. **Sd/-** **L.C. Bhadoo** **Judge**	

[पीछे देखिये

23/08/03

07.08.